UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 2 2 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
Article Number: 7005 3110 0000 4665 2363

Chad Livingston, Environmental Officer
Canadian Pacific Railway
3420 Miller Avenue
Davenport, IA 52803

RE: Request for Information (RFI) Pursuant to Section 308 of the Clean Water Act
Canadian Pacific Railway – Oneonta Rail Yard (NYR00B757)
Docket No. CWA-IR-15-014

Dear Mr. Livingston:

On July 16, 2014, the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection (CEI) at the Canadian Pacific Railway – Oneonta Rail Yard facility located at or near 35 Fonda Avenue in Oneonta, New York (the "Facility"). The purpose of the CEI was to evaluate the Facility's compliance with the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP or Permit).

The EPA is charged with the protection of human health and the environment under the Clean Water Act (CWA or Act), 33 U.S.C. §§ 1251 et seq. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

You are hereby required, pursuant to Section 308(a) of the CWA, 33 U.S.C. § 1318(a), to submit to EPA the following information regarding the subject Facility no later than **sixty (60) calendar days** of receipt of this RFI:

1. A formal, written response to the enclosed CEI Report (including photo documentation, where applicable) that describes how the Potential Noncompliance Items and Areas of Concern have been or will be addressed;

2. A copy of an updated Stormwater Pollution Prevention Plan (SWPPP) that includes revisions made in response to the CEI report, including, but not limited to an updated site map that identifies the location of all stormwater conveyances (including ditches, pipes and swales), as required by Part III.C.6.j of the Permit;

3. Copies of routine stormwater inspections performed in accordance with Part III.C.7.b and Part VIII (page 141) of the Permit from January 2010 to present;

4. Copies of annual comprehensive site compliance inspections performed in accordance with Part IV.A of the Permit from January 2010 to present;

5. Documentation of corrective actions, SWPPP revisions and additional visual inspections performed in response to identification of stormwater pollution during visual quarterly monitoring from January 2010 to present;

6. A written description or map that identifies the location of all connections from drains at the Facility to the City of Oneonta's storm sewer system;

7. A written description or map that identifies the location of all connections from drains at the Facility to the City of Oneonta's sanitary sewer system; and

8. A written description, and map identifying the location of, all floor drains and associated conveyances in buildings at the Facility, including building 17 and the paint shop.

All information required to be submitted by this RFI shall be sent by certified mail or its equivalent to the following address:

Doughlas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
United States Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866

Any documents to be submitted by you must be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

> **"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations."**

Failure to provide the required information may subject the facility to civil/criminal penalties pursuant to Section 309 of the CWA. Failure to comply with the RFI shall also subject the Facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

Enclosed is a copy of the CEI Report detailing EPA's findings from the July 16, 2014 CEI.

If you have any questions regarding this Request for Information or the enclosed CEI Report, please feel free to contact Katherine Mann of my staff via phone at (212) 637-4226 or via email at mann.katherine@epa.gov.

Sincerely,

FOR Douglas McKenna, Chief
Water Compliance Branch

Enclosure

cc: Joseph DiMura, P.E, Director, Bureau of Water Compliance Programs, NYSDEC w/enclosure
Marie Dowd, AMEC Environmental & Infrastructure, Inc. (electronic) w/enclosure

EPA

United States Environmental Protection Agency
Washington, D.C. 20460

Water Compliance Inspection Report

Form Approved.
OMB No. 2040-0057

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3	NYR00B757 11 12	140716 17	18 C	19 R	20 2

Remarks: 21 66

Inspection Work Days	Facility Self-Monitoring Evaluation Rating					Reserved
67 1 69	70	71	B1	72	QA	73 74 75 80

Section B: Facility Data

Name and Location of Facility Inspected *(for industrial users discharging to POTW, also include POTW name and NPDES permit number)*	Entry Time/Date	Permit Effective Date
Canadian Pacific Railway Oneonta Rail Yard 35 Fonda Avenue Oneonta, NY 13820	1:50 PM / 7/16/14	1/23/2013
	Exit Time/Date	Permit Expiration Date
	5:00 PM / 7/16/14	

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data
Kyle Moore, Foreman, 518-281-1758	SIC Codes: 4011, 4013 Lat, Long: 42.449814, -75.071769

Name, Address of Responsible Official/Title/Phone and Fax Number(s)	Contacted	
Chad Livingston, Environmental Officer 3420 Miller Ave Davenport, IA 52803 563-441-5921 Also see CPR address in Section D, below.	Yes	No: x

Section C: Areas Evaluated During Inspection *(Check only those areas evaluated)*

X	Permit		Flow Measurement		Operations & Maintenance		CSO/SSO (Sewer Overflow)
X	Records/Reports		Self-Monitoring Program		Sludge Handling/Disposal		Pollution Prevention
X	Facility Site Review		Compliance Schedules		Pretreatment		Multimedia
	Effluent/Receiving Water		Laboratory	X	Storm Water		Other:

Section D: Summary of Findings/Comments *(Attach additional sheets of narrative and checklists as necessary)*

Canadian Pacific Railway
120 SOUTH 6TH ST 9TH FLOOR
MINNEAPOLIS, MN 55402

See attached report.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Katherine Mann, Physical Scientist	EPA/DECA-WCB/ (212) 637-4226 Fax (212) 637-4211	12/19/14
Signature of Management Q/A Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Justine Modigliani, Chief, Compliance Section	EPA/DECA-WCB/ (212) 637-4268 Fax (212) 637-4211	12/22/14

EPA Form 3560-3 (Rev 9-94) Previous editions are obsolete

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2, DECA-WCB
20th Floor, 290 Broadway, NY, NY 10007

Compliance Evaluation Inspection: Canadian Pacific Railway – Oneonta Rail Yard	
Inspection Dates: July 16, 2014 **Inspection Time:** 1:50 – 5:00 PM	
EPA Inspector: Katherine Mann, Physical Scientist, USEPA Region 2, DECA, Water Compliance Branch, (212) 637-4226	
NYSDEC Representative: Not present	
On-Site Representative: Kyle Moore, Foreman, 518-281-1758	
Site Information:	35 Fonda Avenue, Oneonta, NY 13820 SPDES No. NYR00B757
Owner/Operator/Permittee:	Canadian Pacific Railway 120 South 6th Street, 9th Floor Minneapolis, MN 55402 Chad Livingston, Environmental Officer 3420 Miller Ave Davenport, IA 52803
SIC Codes:	4011 (Railroads, Line-Haul Operating) and 4013 (Railroad Switching and Terminal Establishments)

A. INTRODUCTION:

On July 16, 2014, the United States Environmental Protection Agency ("EPA") conducted a Compliance Evaluation Inspection ("CEI") at the Oneonta Rail Yard facility located at 35 Fonda Avenue in Oneonta, New York (the "Site" or "Facility"). The Facility is primarily engaged in servicing locomotives and railcars and conducts industrial activity under Standard Industrial Classification ("SIC") Codes 4011 and 4013. Upon arriving at the Facility, the EPA inspector presented credentials to Mr. Kyle Moore, Foreman, reviewed available records, and performed a walk-through of the Facility with Mr. Moore. Additional records were submitted to EPA electronically by Ms. Marie Dowd, AMEC Environmental & Infrastructure, Inc., later in the day (on July 16, 2014). Weather conditions at the time of the July 16, 2014 inspection were sunny and approximately 72°F.

The Facility is approximately 17.2 acres. Stormwater discharges from the Facility are collected in stormwater catch basins and conveyed south via a storm sewer system to the Susquehanna River.

The Canadian Pacific Railroad submitted a Notice of Intent ("NOI") to the New York State Department of Environmental Conservation ("NYSDEC") to continue coverage for the Facility under the current State Pollutant Discharge Elimination System ("SPDES") Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-12-001) ("MSGP" or "Permit") in December 2012. The NYSDEC received the NOI on December 24, 2012, and coverage for the Facility under GP-0-12-001 went into effect thirty (30) days later, on January 23, 2013. The current MSGP became effective on October 1, 2012 and expires on September 30, 2017. Prior to GP-0-12-001, the Facility had coverage under previous versions of the Permit, including GP-0-11-009 and GP-0-06-002. GP-0-11-009 became effective on March 28, 2012 and expired on September 30, 2012. It was preceded by GP-0-06-002, which became effective on March 28, 2007 and expired on March 27, 2012. Rail yards operating under SIC codes 4011 and 4013 are covered under Sector P (Land Transportation and Warehousing) of the MSGP.

B. FINDINGS & OBSERVATIONS:

EPA reviewed the Stormwater Pollution Prevention Plan ("SWPPP") maintained at the Facility at the time of the CEI, which was last updated in June 2013, as well as quarterly visual monitoring records, annual dry weather monitoring reports, annual certification reports and discharge monitoring reports ("DMRs") for 2010 through 2013, which were provided to EPA electronically.

The following potential noncompliance items and areas of concern were identified at the time of the CEI or during review of materials thereafter:

Potential Noncompliance Items

1. In accordance with Part III.A of the Permit, a SWPPP shall be developed and implemented by the owner or operator for each facility covered by the Permit. At a minimum, the SWPPP is required to include the items identified in Part III.C and Part VIII (Sector-Specific Requirements – Sector P) of the Permit. Based on review of the SWPPP available at the time of the CEI, as well as observations made during records review and the Facility walk-through, the Facility failed to develop and/or implement the following SWPPP elements, as required by Part III.A of the Permit:

   a. Site Map – Part III.C.6 of the Permit requires that the SWPPP contain a Site Map, which identifies, among other things, the location of all stormwater conveyances including ditches, pipes and swales (Part III.C.6.j). The Site Map included in the 2013 SWPPP does not identify the location of stormwater conveyances at the Facility or illustrate how stormwater is collected and conveyed on and off-site.

   b. Stormwater Controls – Part III.C.7 of the Permit requires that the SWPPP document the location and type of Best Management Practices ("BMPs") installed and implemented at

the facility to achieve the non-numeric effluent limits stipulated in Part I.B.1.a.(2) of the Permit, as well as additional non-numeric effluent limits found in Part VIII of the Permit. BMPs required per Parts III.C.7 and VIII of the Permit that were not adequately implemented or described in the SWPPP are identified, below.

i. As identified in photographs P7160198 – P7160204, evidence of oil and fuel spills and/or leaks was identified beneath a cribber adzer and spike puller, as well as on the pavement surface in various locations on the west side of the Site. The spills and leaks had not be cleaned up and were in areas exposed to stormwater. A nearly full bucket of oil beneath the cribber adzer was also left in an area exposed to stormwater. Effective response to spills and leaks when they occur must be coordinated by supervisory personnel, in accordance with the Facility's SWPPP and Part III.C.7.d of the Permit.

ii. As identified in photograph P7160205, track plates, steel anchors and other materials were stored in piles on the pavement on the west side of the Site in areas exposed to stormwater. In accordance with the SWPPP, track materials including steel and miscellaneous metal parts are stored on pallets and within a metal storage car to reduce the potential for contact with stormwater. BMPs to minimize exposure of material storage areas to stormwater must be implemented, in accordance with the Facility's SWPPP, Part III.C.7.l and Part I.B.1.a.(2).(a) of the Permit.

iii. As identified in photographs P7160208 and P7160212, stormwater catch basins on the south side of building 17 were filled with sediment/gravel and in need of maintenance. Preventative maintenance of stormwater management devices, such as cleaning catch basins, must be implemented at the Facility, in accordance with the Facility's SWPPP and Part III.C.7.c of the Permit.

iv. At the time of the CEI, there were no records of routine stormwater inspections performed at the Facility. Routine inspections must be conducted at least on a quarterly basis for facilities operating under Sector P of the MSGP. While the SWPPP states that stormwater inspections shall be conducted quarterly, the inspection description emphasizes quarterly visual monitoring requirements, and does not contain the routine inspection items found in Part III.C.7.b and Part VIII (page 141) of the Permit.

v. There were no training records available for review at the time of the CEI. Annual training must be conducted in accordance with the SWPPP and must include the required items found in Part III.C.7.e and Part VIII (page 141) of the Permit.

2. At the time of the CEI, inspection and monitoring records, including but not limited to, quarterly visual monitoring reports, annual dry weather flow monitoring reports, and benchmark monitoring records, were not maintained on-site with the SWPPP, as required by Parts III.C.12 and IV.E of the Permit.

3. In accordance with Part IV.A of the Permit, the Facility shall conduct an annual comprehensive site compliance inspection and evaluation that includes all of the items in Part IV.A.1 of the Permit, and which is documented in a report containing the items in Part IV.A.2 of the Permit. The report shall be signed and kept with the SWPPP. Based on review of records available on-site and submitted to EPA subsequent to the CEI, there were no records of annual comprehensive site inspections conducted at the Facility.

4. Quarterly Visual Monitoring records were reviewed for 2010 – 2013 and are summarized in Attachment 1. The majority of the quarterly visual monitoring reports indicate the presence of potential stormwater pollution. In accordance with Part IV.B.1.a.(5) of the Permit, if the visual examination indicates the presence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, or other indicators), the owner/operator must, at a minimum, complete and document the following actions: evaluate the facility for potential sources of stormwater contamination; remedy the problems identified by implementation of non-structural and/or structural BMPs to prevent recurrence; revise the Facility's SWPPP; and perform an additional visual inspection during the first qualifying storm event following implementation of the corrective action. Based on the information provided to EPA, the Facility is not completing and/or documenting corrective actions and additional visual inspections following identification of stormwater pollution during quarterly visual monitoring, as required by Part IV.B.1.a.(5) of the Permit.

Areas of Concern

5. Based on verbal communication with Site representatives, it was unclear whether visual quarterly monitoring and benchmark monitoring were conducted at Outfall 001 as identified on the Site Map, or, if monitoring was conducted at the drain on the east side of building 17. As identified in photographs P7160246 – P7160248, a dye test was performed at the time of the CEI, which indicated that the storm drain on the east side of building 17 flows to what is believed to be the sanitary sewer. Strong sewage odors and sewage-like flow were identified in the downstream manhole that receives flow from the storm drain at the time of the CEI. If the storm drain indeed flows to the sanitary sewer instead of the storm sewer, monitoring at this location would not be appropriate, as stormwater runoff is not being conveyed to a receiving surface water body.

6. As identified in photographs P7160189 – P7160191, the oil/water separator effluent overflows via a pipe that discharges to the storm drain on the east side of building 17. As mentioned above, a dye test indicated that this storm drain flows to what appears to be the sanitary sewer system instead of the storm sewer; however, the Facility must verify the type of sewer system receiving the oil and water separator effluent. Oil/water separator effluent is an unauthorized non-stormwater discharge under the MSGP that may not be discharged to a surface water body via a storm sewer system or otherwise.

7. As mentioned above, stormwater at the Facility may be discharging to a sanitary sewer system via the storm drain on the east side of building 17. Surface water connections to the public sanitary sewer (including stormwater runoff) are prohibited by Section 236-20 of the City of Oneonta City Code.

8. Based on verbal communication with Site representatives, it was unclear where the floor drains in the buildings at the Facility drain to. A drainage map identifying the piping system at the Facility was not available for review at the time of the CEI.

9. As identified in photographs P7160219 – P7160222, various materials, including approximately 12 200-gallon resin tanks (on pallets), nickel-cadmium batteries stored in plastic yellow bins, one (1) 55-gallon drum with unknown contents (on pallet), and 10-gallon buckets of rail grease (on pallet) were stored outdoors in areas exposed to stormwater. Such materials should be stored indoors or under cover whenever practicable. Indoor space that is no longer in use should be considered by the Facility for material storage.

10. The non-stormwater discharge certification in 2013 SWPPP identifies "Drainage Area 1" as the location of the evaluation. According to the Site Map in the SWPPP, "Drainage Area 1" flows to the oil/water separator in building 17, which may overflow to a sanitary sewer system. The non-stormwater discharge certification must evaluate area(s) draining to surface water bodies in order to ensure that all non-stormwater discharges to surface waters of the State that are not authorized under the MSGP have been eliminated, in accordance with Part III.C.7.f of the MSGP.

Findings identified at the time of the CEI were discussed with Mr. Moore at the close of the CEI.

Within sixty (60) calendar days of receipt of this CEI report, please provide a written response (including photo documentation, where applicable) detailing how the Potential Noncompliance Items and Areas of Concern listed in paragraphs 1-10, above, have been addressed.

C. ATTACHMENTS:

1. Summary of Quarterly Visual Monitoring Reports
2. Photograph Log
3. Photographs

Attachment 1: Summary of 2010-2013 Quarterly Visual Monitoring

Quarter	Outfall 001
2010 – 1	Opaque with suspended sediment and settled silt/sediment
2010 – 2	Clear with wood fragments, suspended sediment and settled sediment
2010 – 3	Milky with light brown suspended sediment
2010 – 4	Opaque with suspended sediment and settled sediment
2011 – 2	Opaque, with settled sediment
2011 – 3	Gray, opaque
2011 – 4a	Yellowish, opaque, with settled sediment
2011 – 4b	Yellow/brown, opaque
2012 – 1	Gray, milky, with odor (oil and grease) and suspended sediment
2012 – 2	Clear, with leafy debris
2012 – 3	Milky with suspended dirt/soil particles
2012 – 4	Clear with settled solids (small particles of sediment)
2013 – 1	Brown, opaque, with suspended sediment and settled solids (small particles of sediment)
2013 – 2	Clear with small amount of suspended sediment
2013 – 3	Brown, milky, with suspended sediment and settled solids (small particles of sediment)
2013 – 4	Brown, milky, with odor (slightly organic), suspended sediment and settled sediment particles

Attachment 2: Photograph Log

Unedited photos taken by Katherine Mann, Physical Scientist, DECA-WCB, USEPA Region 2 on July 16, 2014 with Olympus TG-830 digital camera.

Photo ID	Description
P7160189	Overflow pipe from oil/water separator on southeast side of building 17
P7160190	Pipe from oil/water separator on the exterior of building 17
P7160191	Pipe from oil/water separator and flow path to trench drain on the east side of building 17
P7160192	PVC pipe on south side of trench drain (drains to manhole in photograph P7160194)
P7160193	PVC pipe on north side of trench drain
P7160194	Manhole that receives flow from the trench drain on the east side of building 17, located southeast of building 17. The manhole appeared to be a sanitary sewer manhole; strong sewage odors were noted during the CEI.
P7160198	Oil and fuel staining beneath cribber adzer on the west side of the Site
P7160199	Close-up of oil-filled bucket beneath cribber adzer on west side of the Site
P7160200	Oil and fuel staining on pavement beneath cribber adzer on the west side of the Site

P7160201	Staining to the pavement on the west side of the Site (facing east, with cribber adzer in background)
P7160202	Oil/fuel stain beneath spike puller on the west side if the Site
P7160203	Large stain to the pavement (and additional smaller oil/fuel stains) west of the spike puller on the west side of the Site
P7160204	Close up of oil/fuel stain adjacent to the curb on the west side of the Site
P7160205	Track plates, steel anchors and other miscellaneous piles stored on pavement on the west side of the Site
P7160208	Sediment in circular drain on the south side of building 17
P7160209	Circular drain on the south side of building 17
P7160212	Sediment observed in square storm grate on the south side of building 17
P7160219	Batteries stored in yellow bins, resin in white 200-gallon tanks on metal pallets on the north side of building 17, 55-gallon drum with unknown contents on wooden pallet
P7160220	200-gallon resin tanks stored on metal pallets (or risers) and one (1) 55-gallon drum with unknown contents on wooden pallet
P7160221	Nickel-cadmium batteries stored in yellow plastic bins
P7160222	Approximately a dozen 10-gallon buckets (blue) containing rail grease stored on pallets on the west side of the Site
P7160223	End of pipe from building 17 on the building exterior (north side).
P7160224	PVC pipe draining from trench drain on north side of building 17 into ground
P7160228	Stormwater manhole on the southwest side of building 17
P7160229	Interior of stormwater manhole on the southwest side of building 17
P7160246	Dye test performed on trench drain on the east side of building 17 (PVC pipe on the south side of the drain)
P7160247	Flow from dye test observe in manhole identified in photograph P7160194
P7160248	Dye observed in manhole

Attachment 3: Photographs

P7160189

P7160190

P7160191

P7160192

Canadian Pacific Railway - Oneonta, NY Rail Yard - July 16, 2014

P7160193

P7160194

P7160198

P7160199

P7160200

P7160201

P7160202

P7160203

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P7160204

P7160205

P7160208

P7160212

Canadian Pacific Railway - Oneonta, NY Rail Yard - July 16, 2014

P7160219

P7160220

P7160221

P7160222

Canadian Pacific Railway - Oneonta, NY Rail Yard - July 16, 2014

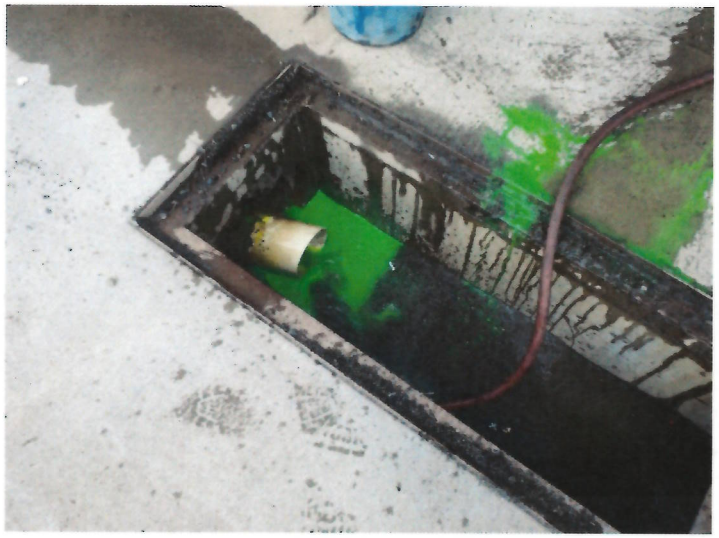
P7160223

P7160224

P7160228

P7160229

Canadian Pacific Railway - Oneonta, NY Rail Yard - July 16, 2014



P7160246

P7160247

P7160248

Canadian Pacific Railway - Oneonta, NY Rail Yard - July 16, 2014